

COLORADO STATE BOARD OF PHARMACY
September 17, 2009

Minutes

The Colorado State Board of Pharmacy meeting was convened by President Paul Limberis, R.Ph., at approximately 8:30 a.m. on Thursday, September 17, 2009 at 1560 Broadway, Conference Room 1380, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph., Jeannine G. Dickerhofe, R.Ph., Rich Doyle, R.Ph., Leonard Hierath, P.E., Paul Limberis, R.Ph., and Averil Strand, R.N.

Staff members attending were Wendy Anderson, R.Ph., Program Director; Chris Gassen, R.Ph., Chief Inspector; Mark O'Neill, R.Ph., Inspector; and Tia Johnson, Complaint/Licensing Specialist. Also present was Jo Kaye, Assistant Attorney General to advise the Board.

APPROVAL OF MINUTES

The Board approved the minutes from the August 20, 2009 meeting as amended.

ADDITIONS TO THE AGENDA

None

APPEARANCES

None

HEARINGS

None

REPORTS

President's Remarks

Mr. Limberis told the Board members about the Council on Licensure, Enforcement, and Regulation ('CLEAR') Conference which was held in Denver in September 2009. He detailed the programs he attended. Jeannine Dickerhofe, Wendy Anderson, and Chris Gassen discussed the programs they had attended as well.

Program Director's Report

Ms. Anderson discussed proposed changes to Policy 10-6 which delegates certain activities to the Program Director or his/her designee. After due consideration, the Board approved the changes as proposed. The Board then reviewed the statistics from Fiscal Year 2009.

The Board discussed the H1N1 Influenza Epidemic and voted to waive the requirements of regulations 1.00.24, 7.00.30(c), 14.00.80 (h) and 15.09.14 for Board registrants to receive H1N1 Vaccine from unregistered wholesalers.

Ms. Anderson advised the Board that pharmacist and pharmacy intern renewals were underway and that these licenses expire on October 31, 2009.

Colorado Pharmacists Society (CPS) – Rich Doyle, RPh

The next major continuing education (“CE”) event will be the 2009 CPS Annual Fall Meeting, September 24-26, 2009 at the Radisson Denver Stapleton Plaza. This year, the meeting will be held in conjunction with the Colorado Society of Parenteral and Enteral Nutrition. The Friday program on September 25th will provide education programs for health-system pharmacists and the Saturday program will be for community/retail pharmacists. Twelve hours of ACPE-approved continuing education will be provided and details and schedule are posted on the CPS website.

Planning has begun for the 2010 Winter CE Seminar, January 10-13, 2010 at the Avon Westin. Fifteen hours of CE programming will be offered and details will be on the CPS website.

Governor’s Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

None

Intern & School Relations – Jeannine Dickerhofe, RPh

None

Legislation - Jeannine Dickerhofe, RPh.

None

Rules – Rich Doyle

None

Inspectors

Jason McCanless, RPH 15334

Paul Limberis recused.

The Board considered a report from Mr. Gassen. The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

OLD BUSINESS

Stipulations

Cornell Prescription Pharmacy, PDO 40

The Board reviewed an Agenda Memorandum from Ms. Johnson concerning the pharmacy’s request for discharge from the terms of its Stipulation and Final Agency Order. After due consideration of the available information, the Board released Cornell Prescription Pharmacy from its stipulation.

Robert C. May, RPH 12515

The Board reviewed an Agenda Memorandum from Ms. Johnson. After due consideration, the Board voted to release Mr. May from the terms of his stipulation and final agency order.

City Market Pharmacy #443, PDO 106-2

Mary Arceneaux recused.

The Board considered a report from Mr. O'Neill. After due consideration of available information, the Board noted the information and determined that no further action was needed.

NEW BUSINESS

Complaints

Ahmed, Eman S., RPH 17600

2009-4095

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Wlodkowski, David E., RPH 17849

2009-3835

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to dismiss the case as being without merit. The Board did, however, vote to send a letter of guidance to the Respondent and Wal-Mart Pharmacy #5137.

Governski, Robert A., RPH 14225

2010-0241

Mary Arceneaux recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to refer the case for discipline.

Mumaugh, David M., RPH 10782

2009-4134

A motion was made, seconded, and carried to dismiss the case as being without merit.

Patti, Michael J., RPH 9807

2010-0268

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Phanekham, Savivan, RPH 16949

2009-4198

Jeannine Dickerhofe recused.

A motion was made, seconded, and carried to dismiss the case as being without merit.

The Board voted to initiate complaints against Donald Larson, RPH 11493 and Leopold Ablicki, RPH 12787.

Potts, Kevin J., RPH 16983

2010-0237

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to refer the case for discipline.

Sneed-Croop, Mary D., RPH 11843

2010-0269

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to refer the case for discipline.

Walgreen Pharmacy #1769, PDO 243

2009-4013

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to refer the case for discipline.

The Board also voted to refer the matter to the Colorado State Board of Medical Examiners.

Phan, Nghia, RPH 17066

2009-4157

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations. The Board also voted to send the Respondent a letter of guidance.

Abedini, Kobra, RPH 15571

2009-4160

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to dismiss the case as being without merit. The Board did vote, however, to send the Respondent a letter of guidance.

Whittington, Joshua D., RPH 16792

2009-4161

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations. The Board also voted to send the Respondent a letter of guidance.

Wall, Anthony S., RPH 17509 **2009-4162**

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to dismiss the case as being without merit. The Board did vote, however, to send the Respondent a letter of guidance.

Bradford, Carla, RPH 16040 **2009-4164**

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to dismiss the case as being without merit. The Board did vote, however, to send the Respondent a letter of guidance.

Marcom, Kim A., 15259 **2009-4166**

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time. The Board did vote, however, to send the Respondent a letter of guidance.

Osikoya, Folami S., RPH 16871 **2009-4167**

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to dismiss the case as being without merit. The Board did vote, however, to send the Respondent a letter of guidance.

Liden, Jon Daniel David, RPH 14705 **2009-4168**

Mary Arceneaux recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to dismiss the case as being without merit. The Board did vote, however, to send the Respondent a letter of guidance.

Phan, Nghia C., RPH 17066 **2009-4170**

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to dismiss the case as being without merit.

Yazdi, Soussan N., RPH 15639 **2009-4171**

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to dismiss the case as being without merit. The Board did vote, however, to send the Respondent a letter of guidance.

Edmisten, Daniel R., RPH 15052

2009-4172

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to dismiss the case as being without merit. The Board did vote, however, to send the Respondent a letter of guidance.

Walgreen Pharmacy #07138, PDO 658

2010-0233

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to refer the case for discipline.

Jimerson, Benjamin J., RPH 12429

2010-0232

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Walgreen Pharmacy #3589, PDO 79-20

2010-0276

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to refer the case for discipline.

Glennon, Benjamin, RPH 17237

2010-0277

After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

LICENSING

Other Outlets, New

The Board approved the registration of 1 new other outlet.

Prescription Drug Outlets, New (In-State)

The Board approved the registrations of 1 new in-state prescription drug outlets.

Prescription Drug Outlets, New (Out-of-State)

The Board approved the registrations of 4 new nonresident prescription drug outlets.

Manufacturers, New

The Board approved the registrations of no new manufacturers.

Limited Licenses, New

The Board approved the registrations of no new limited licenses.

Wholesalers, New (In-State)

The Board approved the registrations of no new in-state Wholesalers.

Wholesalers, New (Out-of-State)

The Board approved the registrations of 8 new out-of-state Wholesalers.

Licensure by Examination and Score Transfer

The Board ratified the licensure of 87 applicants for licensure.

Licensure by License Transfer

The Board ratified the licensure of 14 applicants seeking licensure through license transfer. It was noted that these licensees met all of the requirements for licensing under the provisions of section 12-22-116, C.R.S.

LICENSURE ISSUES

Meeker Drug, Inc., Prescription Drug Outlet Applicant

After review of the available information, the Board voted to approve the registration when the application was complete and a pre-registration inspection was conducted.

MISCELLANEOUS

Correspondence, etc.

Anonymous Complaint

The Board voted unanimously to refer the matter to executive session.

After executive session, the Board voted to direct the inspectors to obtain more information.

Medi-Nuclear Corporation ("MNC")

After due consideration, the Board denied the request.

Seeke, Darin C., RPH 17654

The Board noted the information, deciding that no further action was needed.

Yang, David, RPH 17421

After due consideration of the available information, the Board ordered that Mr. Yang obtain an evaluation from the Pharmacy Peer Assistance Diversion Program.

EXECUTIVE SESSION

At 10:42am, Board President Paul Limberis moved that the Board enter into executive session as authorized by CRS 24-6-402 subsection (3)(a) roman (III) to discuss matters which are required by law to be kept confidential. Specifically, the provisions of law requiring these matters to be kept confidential are:

CRS 24-6-402 subsection (3)(a) romans (II) and (III), and section 13-90-107(b), which protect as confidential communications with counsel that are matters of pending or imminent litigation, or are otherwise subject to the attorney-client privilege, and CRS 25-1-1201 et sequitor, which protects the confidentiality of information pertaining to individual medical records.

The motion was unanimous.

The Board discussed all items referred to it earlier in the meeting as well as matters confidential by law, including the Expedited Settlement Report, the Rehabilitation Evaluation Committee Report, Cases 2010-0262, 2009-2224, 2009-4014, 2010-0048 and Walgreen Pharmacy #4596.

The Board exited Executive Session at 2:16 pm.

Open Session

2010-0048

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Walgreen Pharmacy #4596, PDO 24-77

The Board voted to initiate a complaint against the pharmacy.

ADJOURNMENT

The Board adjourned at approximately 2:25 p.m.

Approved by Paul Limberis, R.Ph., President Date: October 22, 2009